



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039146178M et al. (1 Summons) DEPT OF BUILDINGS, -against- CA PLAZA LLC Hearing Date: 03/24/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039146178M	Dismissed	04/27/2025	36-03 PRINCE STREET Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B107	28-118.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Phoebe Dossett, Esq., appeared on behalf of the Respondent, CA Plaza LLC.

Laura Slavin, Esq., appeared for the Petitioner, DOB.

The summons alleges a Class 1 violation of NYC Administrative Code 28-118.1, at time of inspection observed premises occupied without a valid Certificate of Occupancy. Temporary Certificate of Occupancy expired on 4/2/2025. Summons issued on 4/27/2025.

Ms. Slavin presented a TCO inspection printout, the cited certificate of occupancy, and two photos of the building. The certificate states that it is temporary but does not have an expiration date.

Ms Dossett argued that there was no prima facie case as the law requires that an occupied building have a certificate of occupancy and there was a certificate in this instance.

Section 28-118.1 states, in pertinent part: "No building or open lot shall be used or occupied without a certificate of occupancy issued by the commissioner."

Respondent argues that an expired certificate of occupancy satisfies the requirement in Section 28-118.1. I find that it does not.

Ms Dossett argues that there is no expiration date on the certificate of occupancy and thus that it is still valid.

Ms Slavin argued that temporary certificates of occupancy expire after 90 days and referred to the DOB website which states that temporary certificates of occupancy "typically" expire after 90 days. She stated that Respondents in such cases are building trade professionals and not unsophisticated Respondents and should know that this is the case.

Section 28-118.15 states: "The commissioner shall set a time period during which the temporary certificate of occupancy is valid."

In this instance, Petitioner has presented a temporary certificate of occupancy with no expiration date and no evidence of what time period the commissioner has set for the validity of a temporary certificate of occupancy beyond a website stating the "typical" period of validity. It is possible that this is an atypical instance.

I find that as the temporary certificate of occupancy had no expiration date and that the commission has no set period for such certificates to be valid, that the Petitioner has failed to show that the cited certificate was invalid at the time of issuance.

The summons is dismissed.

Sean Gralton

03/26/2026

03/26/2026

Sean Gralton, Judicial Hearing Officer

Date